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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,443	11/24/2003	Bernad H. vanBilderbeek	121947.0010.004	7125

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EXAMINER

GAY, JENNIFER HAWKINS

ART UNIT	PAPER NUMBER
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3672

DATE MAILED: 11/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/721,443

Applicant(s)

VANBILDERBEEK, BERNAD H.

Examiner

Jennifer H. Gay

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4, 11-40 and 44-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 31, 32, 36-40, 47 and 48 is/are rejected.
- 7) ☒ Claim(s) 11-30, 33-35, 44-46 and 49 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 31, 32, 36, 38-40, 47, 48, and 50 are rejected under 35 U.S.C. 102(b) as being anticipated by Broussard (US 1,989,679, referred to hereafter as Brou).

*Regarding claim 1:* Brou discloses a releasable clamp for securing a smaller tubular member **20** having an inner and outer wall and of a first diameter axially disposed within a larger tubular member **19** having a first end, second end, a central axis, and inner and outer walls of a second, larger internal diameter (Figure 5). The clamp includes the following features:

- A peripheral member **11** having an inner diameter and an outer diameter and being disposed around the larger tubular member between the tubular member's first and second ends.
- A clamping device **26** in communication with the peripheral member for generating an axial force on the peripheral member for reducing the inner diameter of the peripheral member and the inner diameter of the larger tubular member for releasably engaging and securing the smaller tubular member. *The examiner notes that, while it clear that the clamping device decreases the inner diameter of the larger tubular, the clamping device will also decrease the inner diameter of the peripheral member as the screw bolts of the device will draw in the peripheral member as they are tightened.*

*Regarding claims 2, 3:* As seen in Figure 5, the peripheral member is mounted on and peripheral surrounds the outer wall of the larger tubular member.

*Regarding claim 4:* The clamping device is non-invasive (Figures 8-10).

*Regarding claim 31:* While not specifically disclosed, the peripheral member and thus the clamping device would be selectively movable along the axis of the larger tubular member until the peripheral member was in the desired position.

*Regarding claim 32:* The clamp further includes a holding device **29, 31** for securing the peripheral member and clamping device in the selected position.

*Regarding claim 36:* The clamp includes a seal **30** located between the smaller and larger tubulars.

*Regarding claims 38, 39:* The clamp includes a plurality of clamp assemblies or rings axially spaced along the outer periphery of the larger tubular.

*Regarding claim 40:* Brou discloses a method for clamping a smaller tubular member within a larger tubular member using the above clamp. The method involves the following steps:

- Placing the smaller tubular member within the larger tubular member.
- Exerting a radially inward force on the exterior of the larger tubular member at a desired point.
- Flexing the larger tubular member at that point inward slightly to cause a restriction in a portion of the inner diameter of the larger tubular member at that point. *While the examiner notes that Brou does not specifically teach decreasing the inner diameter of the larger tubular member to a point that a restriction that secures the smaller tubular member is formed, the tightening of the screw bolts of the clamping device to their fullest inward position would inherent achieve this feature.*
- Securing the smaller tubular member within the larger tubular member adjacent the restriction.

*Regarding claims 47, 48:* The method further involves first moving the peripheral member to a desired location along the larger tubular member and then applying the force.

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*Regarding claim 50:* The step of securing is accomplished by causing the restriction of the larger tubular member to apply a clamping force to the smaller member at a desired point, i.e. at the location of one of the clamping devices.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brou in view of Wester (US 6,513,596).

Brou discloses all of the limitations of the above claims except for a strain gage being located on the inner wall of the smaller tubular member.

Wester discloses a casing hanger system and further teaches the use of strain gages within the system (2:26-35, 6:33-36).

It would have been considered obvious to one of ordinary skill in the art, at the time the invention was made, to have modified the clamp assembly of Brou to include a strain gage as taught by Wester in order to have provided a means for monitoring the pressure within the casing string and thus prevent hazardous pressure leaks (1:15-30).

### ***Allowable Subject Matter***

5. Claims 11-30, 33-35, 44-46, and 49 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***

6. In view of applicant's amendment, the objections the specification and claims have been withdrawn.

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7. Applicant's arguments filed October 17 2005 have been fully considered but they are not persuasive.

Applicant has argued that Brou teaches a casing head something which applicant is not claiming. Applicant further argues that a clamping device that is disposed somewhere in a well's casing below the casing top or head is being claimed. In response the examiner notes that this feature or limitation is not actually recited in the claims and thus applicant's argument is moot.

Applicant has further argued that Brou does not teach that the "peripheral member" is located between the larger tubular member's first and second ends". The examiner notes that the claims do not limit the "peripheral member" being located only between the first and second ends of the larger tubular member or exclude the "peripheral member" from extending to or beyond one of the two ends.

Applicant has further argued that it is impossible for Brou to position a clamp externally around the well casing farther down the hole. While the examiner acknowledges that this is true, again applicant has not claimed this feature.

Applicant has further argued that Brou does not teach flexing the larger tubular member to reduce its inner diameter and clamp the smaller tubular member within the larger tubular member adjacent this reduction in diameter. While the examiner recognizes that this feature is not specifically shown or taught by Brou, the force applied to the larger tubular member by the clamping device, first, do decrease the inner diameter of the larger diameter, and second, would inherently decrease the inner diameter to a point where the larger tubular member was in engagement with the smaller tubular member as the screw bolts are tightened inward to their fullest extent.

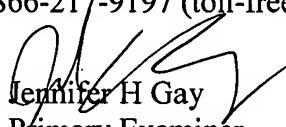
### ***Conclusion***

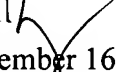
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer H. Gay whose telephone number is (571) 272-7029. The examiner can normally be reached on Monday-Thursday, 6:30-4:00 and Friday, 6:30-1:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on (571) 272-6999. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Jennifer H Gay  
Primary Examiner  
Art Unit 3672

JHG   
November 16, 2005